

**SKYSONG FARM (GROUT)**  
**NINE-LOT MAJOR SUBDIVISION WITH THREE VARIANCE REQUESTS**  
**STAFF REPORT FOR PLANNING BOARD**

**CASE PLANNER:**

Benjamin H. Howell

*BH*

**REVIEWED/  
APPROVED BY:**

Karen Hughes

*KH: RVH*

**PUBLIC HEARINGS/  
MEETINGS:**

RCPB Plat Evaluation:

January 4, 2006

RCPB Public Hearing:

February 1, 2006

Deadline for PB recommendation to BCC:

March 1, 2006

BCC Public Meeting:

9:00 am March 9, 2006

(Unless PB delays decision)

Deadline for BCC action (60 working days):

March 31, 2006

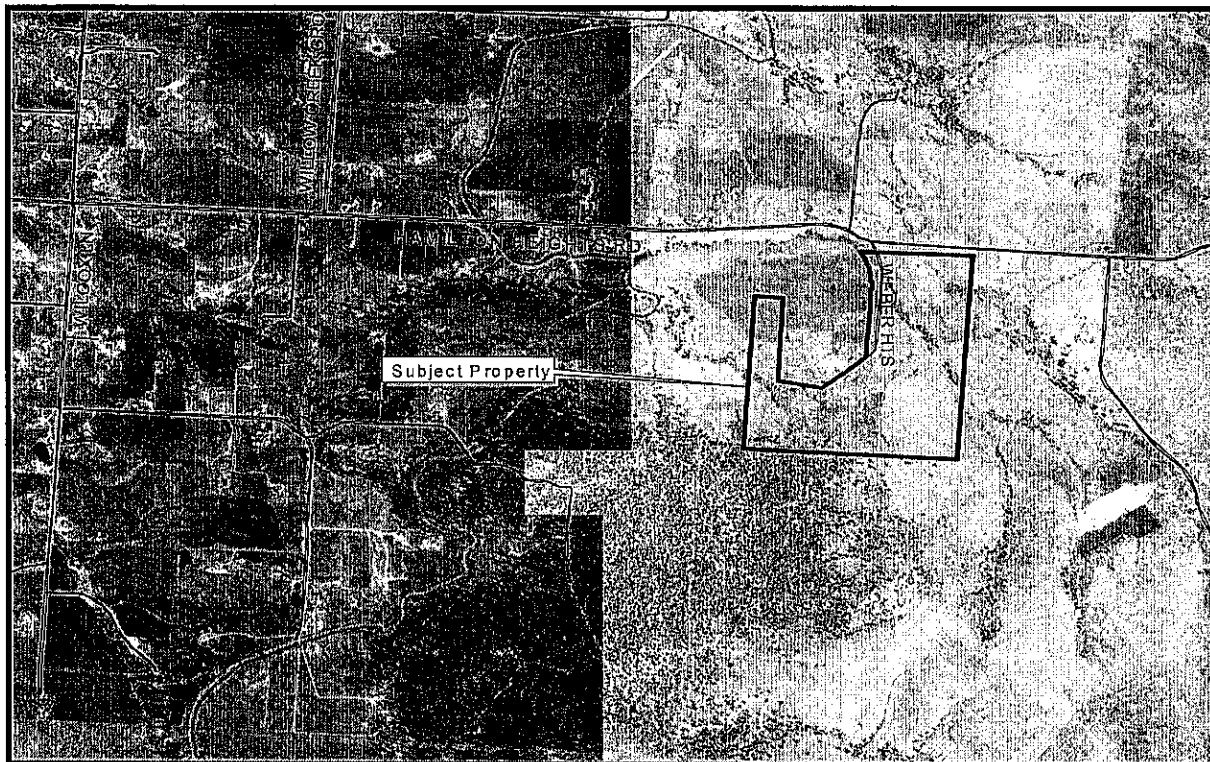
**APPLICANT:**

Louise Grout  
456 Weber Heights Road  
Corvallis, MT 59828

**REPRESENTATIVE:**

Steve Powell, Powell Surveying 363-6389

**LOCATION OF REQUEST:** The property is located approximately five miles northeast of Hamilton off Weber Heights Road. (Map1)



**Map 1: Location Map**  
(Source Data: Ravalli County Planning Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

Tract D of COS 463398 excepting portion A of COS 542476, located in the W ½SE ¼, and the SW ¼ of Section 13, T6N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision and variance applications were determined complete on December 14, 2005. Agencies were notified of the subdivision and variance requests. Comments received from agencies not included in the application packet are *Exhibits A-1* through *A-8* of the staff report.

**LEGAL NOTIFICATION:**

A legal ad was published in the Ravalli Republic on December 20, 2005. Notice of the project was posted on the property. Adjacent property owners were notified of the subdivision and variance requests by certified mail postmarked December 19, 2005. No public comments have been received to date.

**DEVELOPMENT  
PATTERN:**

Subject property	Large lot residential and agriculture
North	Residential and agriculture
South	Large lot residential and agriculture
East	Large lot residential and agriculture
West	Large lot residential and agriculture

## RAVALLI COUNTY PLANNING BOARD

FEBRUARY 1, 2006

### SKYSONG FARM (GROUT) NINE-LOT MAJOR SUBDIVISION WITH THREE VARIANCE REQUESTS

#### RECOMMENDED MOTIONS

1. That the variance request from Section 5-2-2(a)(4) of the Ravalli County Subdivision Regulations, to allow side lot lines to vary from right angles to the road, **be approved**, based on the findings of fact and conclusions of law in the staff report.
2. That the variance request from Section 5-2-2(a)(7) of the Ravalli County Subdivision Regulations, to allow Lots 1 and 4 to be flag lots, **be approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.
3. That the variance request from Sections 5-4-5(a) and (b)(3), and Table 5-4-2 of the Ravalli County Subdivision Regulations, to allow for Weber Heights Road, an existing substandard private road, to be improved to be an 18-foot wide gravel road with two hammerhead turnarounds **be denied**, based on the findings of fact and conclusions of law in the staff report.
4. That the Skysong Farm Major Subdivision **be approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report and the parkland dedication shall be met as \_\_\_\_\_ (cash-in-lieu of parkland dedication or Homeowners' Park – see findings on page 8).

#### RECOMMENDED MITIGATING CONDITIONS OF APPROVAL

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

**Notification of Proximity to Agricultural Operations.** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

**Notification of Irrigation Ditch/Pipeline Easements.** Within this subdivision there are irrigation easements. All downstream water right holders have the right to maintain and repair their ditches/pipelines and diversion structures whenever necessary to keep them in good condition. The filed subdivision plat shows irrigation ditches and easements on the property. The downstream water rights holders must approve any relocation or alteration (i.e. installation of a culvert) of an irrigation ditch or pipeline. Any act which damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance is expressly prohibited. The downstream water right holders have the right to use the easement to maintain the ditch or pipeline. (*Effects on Agricultural Water User Facilities*)

**Limitation of Access onto a County Road.** A "no ingress/egress" restriction is located along the Hamilton Heights Road frontage of the subdivision, excepting the approach to the internal road that is approved by the Ravalli County Road and Bridge Department, which precludes vehicular access onto this County-maintained road. This limitation of access may be lifted or amended with approval of the County. (*Effects on Local Services & Effects on Public Health and Safety*)

**Notification of No-Build/Alteration Zone.** Within this subdivision there are no-build/alteration zones on Lots 1, 2, 3, 4, 8 and the Homeowners' Park, as shown on the plat to restrict building around the natural drainages, steep slopes, and wetlands on these lots. No new structure, with the exception of fences, may be constructed in this area. (*Effects on Natural Environment & Effects on Public Health and Safety*)

**Notification of Severe Soils.** Within this subdivision there are areas of the property identified as potentially having soils rated as severe for road and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils in question which are included as exhibits to this document. (The applicant shall include the exhibits as attachments) (*Effects on Public Health and Safety*)

**Notification of Road Maintenance.** Ravalli County, the State of Montana, or any other governmental entity does not maintain Weber Heights Road and therefore does not assume any liability for improper maintenance or the lack thereof. A Road Maintenance Agreement for Weber Heights Road was filed with this subdivision and outlines what parties are responsible for road maintenance and under what conditions. (*Effects on Local Services*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

**Living with Wildlife.** (See letter from FWP for the required provisions) (*Exhibit A-1*) (*Effects on Agriculture & Effects on Wildlife and Wildlife Habitat*)

**Riparian Area Use.** (See letter from FWP for the required provisions) (*Exhibit A-1*) (*Effects on Natural Environment*)

**Maintenance of Homeowners' Park Easements.** Within this subdivision there is a Homeowners' Park with associated easements, as shown on the plat. Residents are responsible for maintaining these easements. (*Effects on Local Services*)

**Waiver of Protest to Creation of RSID/SID.** Owners and their successors in interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community waste water treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (*Effects on Local Services*)

**Access Requirements for Lots within this Subdivision.** The Corvallis Rural Fire District has adopted the Uniform Fire Code. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6", maximum grade of 6%, and an all weather surface that can accommodate the weight of a fire truck to meet requirements of the Uniform Fire Code. Please contact the Corvallis Rural Fire District at PO Box 13, Corvallis, MT, for further information on the requirements of the Corvallis Rural Fire District and/or the Uniform Fire Code. (*Effects on Local Services & Effects on Public Health and Safety*)

**Required Posting of County-Issued Addresses for Lots within this Subdivision.** The Corvallis Rural Fire District has adopted the Uniform Fire Code which requires the lot owners to post the County-issued addresses at the intersection of the driveways leading to the

residences and Weber Heights Road as soon as construction on the residences begins.  
(*Effects on Local Services & Effects on Public Health and Safety*)

**Lighting for New Construction.** Full cut-off lighting shall be required for any new construction within this subdivision. A full cut-off fixture means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light is fully shielded, top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. Spotlighting of flag poles shall be permitted. (*Effects on Public Health and Safety*)

**Primary Heat Source.** The primary heat source for the newly constructed residences in this subdivision shall be at least 75% efficient. (*Effects on Natural Environment*)

**Control of Noxious Weeds.** Lot owners shall control the growth of noxious weeds on their respective lot(s). (*Effects on Natural Environment*)

**Radon Exposure.** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. (*Effects on Public Health and Safety*)

**Amendment.** The covenants filed with the final plat shall state that written Governing Body approval shall be required for amendments to provisions of the covenants listed above, that are required to be included as a condition of subdivision approval.

3. A stop sign shall be installed at the intersection of Weber Heights Road and Hamilton Heights Road, as approved by the Planning Department, in consultation with the Road and Bridge Department, prior to final plat approval. (*Effects on Local Services & Effects on Public Health and Safety*)
4. The final plat shall show a no ingress/egress zone along the Hamilton Heights Road frontage of the subdivision, excepting the approach for Weber Heights Road, as approved by the Road and Bridge Department. (*Effects on Local Services & Effects on Public Health and Safety*)
5. The subdivider shall include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. (*Effects on Local Services*)
6. The applicant shall provide evidence that an amount (to be decided by the Planning Board in consultation with the applicant) per lot has been contributed to the Corvallis School District prior to final plat approval. (*Effects on Local Services*)
7. The applicant shall provide a letter from the Corvallis Rural Fire District stating that they have provided the required 1,000 gallons per minute water supply or 2,500 gallons per minute water storage for fire protection for each lot within this subdivision. Alternatively, the applicant may

provide evidence of a \$500 per lot contribution made to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection.  
*(Effects on Local Services & Effects on Public Health and Safety)*

8. The applicant shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision, in accordance with E-911 addressing policy. *(Effects on Local Services & Effects on Public Health and Safety)*
9. The natural drainages, steep slopes, and wetlands in Lots 1, 2, 3, 4, 8, and the Homeowners' Park shall be designated as no-build/alteration zones on the final plat, as shown on the preliminary plat. *(Effects on Natural Environment & Effects on Public Health and Safety)*

### **INTRODUCTION**

The Skysong Farm Major Subdivision is a nine-lot subdivision located northeast of Hamilton on approximately 94.28 acres. The proposed lots range from 1.0 to 20.82 acres in size, with a Homeowners' Park of 17.11 acres dedicated to the Homeowners' Association. The property is within the Corvallis Rural Fire District and the Corvallis School District.

Generally, the property slopes to the east and south, with slopes greater than 25% located on Lots 1, 2, 4, and 8. There are several drainages traversing the property. Currently the property has four houses, which are located on proposed Lots 5, 6, 7, and 8. Lot design is based on the physical characteristics of the property and the existing homes.

In conjunction with the subdivision proposal, the applicant is requesting the following variances:

1. From Section 5-2-2(a)(4) of the Ravalli County Subdivision Regulations, to allow for side lot lines to vary from right angles to roads.
2. From Section 5-2-2(a)(7) of the Ravalli County Subdivision Regulations, to allow for Lots 1 and 4 to be flag lots. *(Staff note: Upon further review, Staff has determined that Lots 6, 8 and 9 are not flag lots designed to avoid road construction.)*
3. From Sections 5-4-5 (a) and (b)(3), and Table 5-4-2 of the Ravalli County Subdivision Regulations, to allow for Weber Heights Road to be a gravel, 18-foot wide road with two hammerhead turnarounds.

The Planning Board conducted a plat evaluation for this subdivision on January 4, 2006.

*Staff is recommending approval of Variances #1 and #2, denial of Variance #3, and approval of the Subdivision.*

## **SUBDIVISION REPORT**

### **COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA**

#### **CRITERION 1: EFFECTS ON AGRICULTURE**

##### **Findings of Fact:**

1. The proposed major subdivision on 94.28 acres will result in 9 lots that have an average size of 8.3 acres, with 17.11 acres proposed as a Homeowners' Park. The property is located approximately five miles from the City of Hamilton.
2. The property is currently used as cow pasture.
3. With the current clustering of homes on Lots 5, 6, 7 and 8, and with future clustering of homes, the land could still be used for agriculture.
4. The property is located in an area where there is a mix of agricultural and residential uses. To mitigate impacts on nearby agricultural practices, a notification of agricultural operations shall be filed with the final plat and the covenants shall include a provision requiring owners to control domestic pets. (Conditions 1 & 2 – in Living with Wildlife section)
5. There are no Prime Farmland Soils or Farmland of Statewide Importance associated with this property.

##### **Conclusions of Law:**

1. The large lot sizes and current clustering of homes does not limit agricultural practices within this proposed subdivision.
2. With the mitigating condition, impacts of this subdivision on surrounding agricultural practices will be minimized.

#### **CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES**

##### **Findings of Fact:**

1. According to the application, the property has water rights from the Neaves-Boucher Ditch and a preliminary Master Irrigation Plan is included in the application. Each lot will be allocated a certain amount of water to be conveyed by the irrigation pipelines and easements as proposed in the irrigation plan. A final Master Irrigation Plan and evidence that irrigation facilities have been installed are requirements of final plat approval.
2. As a requirement of final plat approval, the Ravalli County Subdivision Regulations require that existing irrigation easements/rights-of-way located on the property be shown on the final plat. In order to mitigate impacts on agricultural water user facilities, a notification of these easements shall be included in the Notifications document. (Condition 1)
3. If irrigation ditches are to be altered or relocated, written authorization from downstream users is required for final plat approval, per Section 3-3-4(c)(25) of the Ravalli County Subdivision Regulations.

##### **Conclusion of Law:**

Impacts to agricultural water user facilities will be minimized through the mitigating condition and requirements of final plat approval.

#### **CRITERION 3: EFFECTS ON LOCAL SERVICES**

##### **Findings of Fact:**

1. Hamilton Heights Road is a substandard, County-maintained road that serves the proposed subdivision.
2. To limit access onto Hamilton Heights Road and to mitigate impacts on local services, the final plat shall show a non ingress/egress zone along the Hamilton Heights frontage of Lot 1. A

Notification of this limitation of access shall also be included in the Notifications Document.  
(Condition 1 & 4)

3. Weber Heights Road is a substandard, privately-maintained road that will serve the lots within this subdivision. The applicant has requested a variance from the requirement to reconstruct Weber Heights Road to meet County Road Standards in the Subdivision Regulations and staff has recommended denial of the variance request. (Variance 3)
4. With denial of the variance request, Weber Heights Road is required to be constructed to County standards and a grading and drainage plan must be submitted to reflect the improvements. Submittal of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ, reconstruction of the road and storm water drainage facilities in accordance with an approved road and grading and drainage plan, and submittal of a road certification are also required, prior to final plat approval.
5. To mitigate impacts on local services, the applicant shall install a stop sign at the intersection of Hamilton Heights Road and Weber Heights Road. (Condition 3)
6. A road maintenance agreement for Weber Heights Road was included in the application packet and is required to be filed with the final plat. To mitigate impacts on local services and public health and safety, a notification of the road maintenance agreement shall be included in the Notifications document filed with the final plat. (Condition 1)
7. Individual water and wastewater treatment systems are proposed to serve the lots. To mitigate potential impacts of this subdivision on any possible future public water, public sewer system, or the road system, the RSID/SID waiver filed with the final plat shall address these systems. (Conditions 2 & 5)
8. Bitterroot Disposal provides disposal service to this area.
9. The applicant is proposing a contribution to the Corvallis School District, but no exact amount was specified. In a letter dated January 12, 2006, the Corvallis School District stated that they have no specific objection to the subdivision, but growth in student numbers continues to affect the district infrastructure and bussing system. (*Exhibit A-8*) To mitigate impacts of the proposal on the School District, the applicant shall contribute an amount per lot (to be determined by the Planning Board) to the Corvallis School District prior to final plat approval. (Condition 6)
10. The subdivision is located within the Corvallis Rural Fire District. The Corvallis Rural Fire District has provided general comments on subdivision proposals, indicating they have adopted a policy which addresses access, posting of addresses, and water supply requirements. Conditions of approval will meet the recommendations of the Corvallis Rural Fire District. (*Exhibit A-2*) Conditions 2, 7, & 8)
11. The Ravalli County Sheriff's Office provides law enforcement services to this area.
12. The subdivision questionnaire indicates the parkland dedication for this subdivision is required to be 0.46 acres. The applicant is proposing a Homeowners' Park of 17.11 acres to meet this requirement and there are maintenance and trail access easements associated with the parkland. In a letter dated January 17, 2006, the Park Board stated that the Homeowners' Park would be difficult for the residents to maintain and suggested that the applicants pay cash-in-lieu of parkland dedication. (*Exhibit A-3*)
13. The Ravalli County Subdivision Regulations state in Chapter 6 that the Board of County Commissioners shall consult with the subdivider and the Park Board regarding the type of parkland dedication. The Commissioners shall determine whether the parkland dedication shall be met by a land donation, cash donation, land dedication or any combination thereof based on the following factors: the expressed preference of the subdivider, consistency with the Growth Policy, significance of the land donation or dedication and its intended purpose, and suitability of the land donation or dedication.
14. If the Homeowner's Park is determined to be a suitable parkland dedication the final plat shall show it to be preserved or otherwise protected for its intended purpose. (See Section 6-1-5(g).) Furthermore, staff recommends a notification of maintenance of parkland related easements.



In the event that the County does not accept the Homeowner's Park as suitable parkland dedication, cash-in-lieu of parkland dedication shall be paid as a requirement of final plat approval.

15. Adequate public services are available for this subdivision.

Conclusion of Law:

With the mitigating conditions of approval, denial of Variance Request #3, and requirements of final plat approval, impacts of the subdivision on local services will be minimized.

**CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT**

Findings of Fact:

1. Slopes greater than 25% are located on Lots 1, 2, 4, and 8 and the applicant is proposing no-build/alteration zones on these areas. Natural drainages traverse Lots 1, 2, 3, and 4 and the applicant is proposing 100-foot setbacks from the drainages. To mitigate impacts on the natural environment, the final plat shall show the no-build/alteration zones as shown on the preliminary plat, and a notification of the no-build/alteration zones shall be included in the Notifications Document. (Conditions 1 & 9)
2. There are wetlands on Lots 1 and 8 and within the Homeowners' Park. To mitigate the impacts on the natural environment, the no-build/alteration zones on the final plat shall include these wetland areas, as shown on the preliminary plat, and a notification of the no-build/alteration zones shall be included in the Notifications Document. (Conditions 1 & 9)
3. Individual wells and wastewater treatment systems are proposed to serve lots within the subdivision and adequate information has been provided to the Environmental Health Department for local subdivision review to occur. (*Exhibit A-4*). A Certificate of Subdivision Plat Approval from Montana DEQ is required to be submitted with the final plat.
4. To mitigate air pollution resulting from home heating emissions, the protective covenants filed with the final plat shall state that the primary heat source for any newly constructed residences must be at least 75% efficient. (Condition 2)
5. The applicant has requested a variance from the County road standards to allow Weber Heights Road to remain a gravel road. Dust generated from gravel roads has a negative impact on air quality. Staff has recommended denial of the request, which will result in paving the road. (Variance 3)
6. A noxious weed and vegetation control plan is required to be filed with the final plat for ground disturbance associated with a subdivision. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district, shall notify the weed board at least 15 days prior to the activity. Consequently, 15 days prior to activities requiring a re-vegetation plan, such as road construction, the plan shall be submitted to the weed board and obtain approval from the board. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)

Conclusions of Law:

Impacts from this subdivision on the natural environment will be minimized with the mitigating conditions and requirements of final plat approval.

**CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT**

Findings of Fact:

1. The property is not located within the FWP-identified big game winter range and no species of special concern have been identified in the vicinity of the subdivision.
2. To mitigate any impacts on wildlife and wildlife habitat, the covenants shall include living with wildlife provisions, as recommended by FWP. (*Exhibit A-1*) (Condition 2)

3. The applicant is proposing large lots and the homes currently on the property are clustered.

Conclusion of Law:

With the condition of approval, large lot sizes and current clustering of homes, the proposed subdivision will have a minimal impact on wildlife.

**CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY**

Findings of Fact:

1. The application states that there are soils rated as severe for buildings and road within this subdivision. The applicant shall include a notification of severe soils in the notification document. (Condition 1)
2. The proposed subdivision is located within the Corvallis Rural Fire District and with Conditions 2, 7 & 8, impacts to the District will have been addressed.
3. Lots will be served by individual wells and wastewater treatment systems. (Natural Environment)
4. There are slopes of 25% or greater, natural drainages, and wetlands located within the subdivision and with no-build/alteration zones shown on the final plat, impacts to Public Health and Safety will be minimized. (Conditions 1 & 9)
5. To mitigate the general impacts of this subdivision on public health and safety, the subdivider shall apply for County-issued addresses for each lot within this subdivision. A provision shall be included in the protective covenants requiring property owners to post County-issued addresses at their driveways to enhance provision of emergency services. (Conditions 2 & 8)
6. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision requiring full cut-off lighting with the exception of flag poles. (Condition 2)
7. There is a prevalence of radon in the County and to mitigate impacts on public health and safety, the covenants for this property shall include a statement regarding radon exposure. (Condition 2)
8. There are no other known hazards that are on or adjacent to the property that may significantly affect public health and safety.
9. Adequate public services are available to this subdivision.

Conclusion of Law:

The mitigating conditions and requirements of final plat approval address potential impacts of this subdivision on public health and safety.

**COMPLIANCE WITH:**

**1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.**

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements or conditions have been required to bring the proposal into compliance.

**2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.**

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The developer has submitted a plan which complies with the requirements of local subdivision regulations or conditions have been required that will bring the plan into compliance.

**3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS**

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Conclusion of Law:

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

**CONSISTENCY WITH EXISTING ZONING AND COVENANTS**

Findings of Fact:

1. The property is not located within a Zoning District.
2. According to the application packet, there are no existing covenants on the property.

Conclusion of Law:

The property has no zoning or covenants.

**PROVISION OF EASEMENTS FOR UTILITIES**

Findings of Fact:

1. The plat indicates utility easements are located along Hamilton Heights Road and Weber Heights Road.
2. According to the application, the proposed subdivision will be served by Ravalli Electric Cooperative and Qwest Telephone. Utility Certificates are required for final plat approval.

Conclusion of Law:

Utility services are available to the subdivision.

**PROVISION OF LEGAL AND PHYSICAL ACCESS**

Finding of Fact:

Physical and legal access for this subdivision is proposed via Hamilton Heights Road and Weber Heights Road. A variance has been requested for Weber Heights Road. (Local Services & Variance 3)

Conclusion of Law:

With the action on the variance, mitigating conditions, and requirements of final plat approval, the proposal meets physical and legal access requirements.

## **VARIANCE REPORT**

### **VARIANCE REQUEST #1**

The applicant has requested a variance from Section 5-2-2(a)(4) of the Ravalli County Subdivision Regulations to allow for side lot lines to vary from right angles to Weber Heights Road.

### **Compliance with Variance Review Criteria**

#### **A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

##### **Findings of Fact:**

1. The proposed subdivision has several natural drainages traversing the property and has varying topography, creating natural boundaries for the proposed lots. The applicant is requesting a variance from Section 5-2-2(a)(4) and is proposing to use the natural drainages and topography as lot lines, which do not meet Weber Heights Road at right angles.
2. The driveways for the proposed lots will follow the natural contours of the land, thus minimizing the need for excessive cuts and fills during driveway constructions.
3. Lot lines at right angles to Weber Heights Road would increase driveway crossings over the natural drainages.

##### **Conclusion of Law:**

The granting of the variance will remove potential impacts to public health, safety, general welfare and adjoining properties caused by the development of this property.

#### **B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

##### **Finding of Fact:**

This property is unique in that it has varying topography and several natural drainages traversing the property, creating natural lot boundaries.

##### **Conclusion of Law:**

The conditions upon which the variance is requested are unique to the subject property.

#### **C. Physical conditions, such as topography or parcel shape, prevents the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).**

##### **Finding of Fact:**

This property has a unique shape and topography, with the drainages creating natural lot boundaries.

##### **Conclusion of Law:**

The property is unique in that it has natural drainages and topography which form natural boundaries between the lots.

#### **D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.**

##### **Findings of Fact:**

1. There is no zoning on the property.
2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions.

**Countywide Goal 5:** Protect and enhance natural resources and public open space.

- If lot lines were designed to have right angles with Weber Heights Road, there would be an increase in driveways across the natural drainages.

Conclusion of Law:

The Growth Policy appears to support the granting of this variance.

**E. The variance will not cause a substantial increase in public costs.**

Finding of Fact:

With the lot lines following the natural drainages on the property, driveways will have minimized slopes. This will ensure that emergency vehicles can access the lots.

Conclusion of Law:

The variance request will not affect public costs.

**VARIANCE REQUEST #2**

From Section 5-2-2(a)(7) of the Ravalli County Subdivision Regulations, to allow for Lots 1 and 4 to be flag lots. *(Staff Note: Upon further review, Staff has determined that Lots 6, 8 and 9 are not flag lots designed to avoid road construction.)*

**Compliance with Review Criteria**

**A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

Findings of Fact:

1. The lot design is based on several natural drainages traversing the property and varying topography. Consequently, there are two flag lots created that allow for driveways to access Weber Heights Road. The driveways for Lots 1 and 4 would likely be a minimum of 250 feet long and could be designed in such a way to make access for fire protection difficult.
2. The Corvallis Rural Fire Department states in their general comments that if a lot is accessed by a driveway longer than 150 feet in length, the access road shall have an unobstructed width of at least 20 feet and an unobstructed vertical clearance of at least 13 feet, with an all-weather travel surface designed to support the imposed loads of fire apparatus (*Exhibit A-2*). To mitigate impacts of this variance on public health and safety, a provision requiring driveways to meet the standards of the Corvallis Rural Fire Department shall be included in the protective covenants. (Condition 2)

Conclusions of Law:

The condition of variance approval will help lessen impacts of granting the variance on public health and safety.

**B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

Findings of Fact:

1. This property is unique in that it has varying topography and several natural drainages traversing the property, creating natural lot boundaries.

Conclusion of Law:

The conditions upon which the variance is requested are somewhat unique to the subject property.

**C. Physical conditions, such as topography or parcel shape, prevents the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).**

Findings of Fact:

This property has a unique shape and topography, with the drainages creating natural lot boundaries.

Conclusion of Law:

The property is unique.

**D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.**

Findings of Fact:

1. The property is not within a Zoning District.
2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions.

**Countywide Goal 4:** Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.

**Countywide Policy 4.5:** Developers will be responsible for providing the infrastructure necessary within the development such as community water, sewage treatment and roads. A system of "nexus and proportionality" will govern external infrastructure costs attributable to the developer.

- The lot design is based on the natural drainages and topography of this property.
- To ensure the lots will be accessible by emergency vehicles, the covenants shall include a provision that driveways meet the standards of the Corvallis Rural Fire Department.  
(Condition 2)

Conclusions of Law:

1. The property is not located within a Zoning District.
2. The Growth Policy does not support granting the variance request.

**E. The variance will not cause a substantial increase in public costs.**

Finding of Fact:

1. The lot design is based on the natural drainages and topography of this property.
2. To ensure the lots will be accessible by emergency vehicles, the covenants shall include a provision that driveways are required to meet the standards of the Corvallis Rural Fire Department. (Condition 2)

Conclusion of Law:

The granting of this variance will not cause a substantial increase in public costs.

**VARIANCE REQUEST #3**

The applicant has requested a variance from Section 5-4-5(a) and (b)(3), and Table 5-4-2 of the Ravalli County Subdivision Regulations to allow Weber Heights Road to be improved to be an 18-foot wide gravel road with two hammerhead turnarounds.

### **Compliance with Review Criteria**

#### **A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

##### **Findings of Fact:**

1. Allowing Weber Heights Road to remain in its current condition, as a gravel road with a travel surface width of 18 feet, adversely affects public health, safety, general welfare, and adjoining landowners because the road will generate road dust and potentially affect provision of emergency services.
2. David Ohnstad provided an e-mail comment dated December 27, 2005 which states that the Road and Bridge Department does not support the variance from the roadway improvement requirements of the Subdivision Regulations. (*Exhibit A-5*)
3. The Corvallis Rural Fire District's general comments indicate that fire apparatus access roads should have a 20-foot wide travel surface. (*Exhibit A-2*)
4. The Board of Health generally commented on road standards by stating: "In a discussion of air quality and roads, the Board of Health unanimously agreed that air quality and road safety are of paramount importance in the development of any road standards." A subsequent letter from members of the Board of Health addresses concerns associated with the impacts of road dust on public health. (*Exhibits A-6 & A-7*)

##### **Conclusion of Law:**

The variance request is opposed by the County Road and Bridge Department, the Board of Health, and the Ravalli County Planning Department. The substandard road will generate road dust, limit access for emergency services, and decrease public safety; therefore, there will be impacts on public health and safety from granting this variance and it could be injurious to adjoining property owners and the general public.

#### **B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

##### **Finding of Fact:**

There are many properties in Ravalli County that are accessed by substandard, privately-maintained roads.

##### **Conclusion of Law:**

The conditions upon which the variance is proposed are not unique to the property.

#### **C. Physical conditions, such as topography or parcel shape, prevents the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).**

##### **Finding of Fact:**

The property has varying topography, with slopes ranging from less than 5% to 25%, and several natural drainages traversing the property.

##### **Conclusion of Law:**



There may be physical conditions that make it more expensive to meet the Regulations, but the physical conditions do not prevent the applicant from meeting the Regulations. Variances cannot be granted because of financial hardship.

**D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.**

Findings of Fact:

1. The property is not within a Zoning District.
2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions.

**Countywide Goal 3:** Protect air quality

**Countywide Policy 3.2:** Minimize dust and other air pollution by appropriate subdivision regulation.

- The subdivision regulations require paving of Weber Heights Road.
- The Ravalli County Board of Health has expressed concerns regarding air pollution caused by dust. (See Variance Criterion A and *Exhibits A-6 & A-7*)

**Countywide Goal 4:** Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.

**Countywide Policy 4.1:** Encourage development that will minimize or avoid additional costs to existing taxpayers.

- All lots within this subdivision are proposed to be accessed from Weber Heights Road, a privately-maintained road that will remain substandard, if the variance is granted.
- The Road Department does not support granting of variances from roadway improvement standards. (*Exhibit A-5*)

**Countywide Policy 4.5:** Developers will be responsible for providing the infrastructure necessary within the development such as community water, sewage treatment and roads. A system of "nexus and proportionality" will govern external infrastructure costs attributable to the developer.

- The applicant has requested a variance from the requirement that the road be reconstructed to meet the road design standards in the Ravalli County Subdivision Regulations.

Conclusions of Law:

3. The property does not lie within a Zoning District.
4. The Growth Policy does not support granting the variance request.

**E. The variance will not cause a substantial increase in public costs.**

Findings of Fact:

1. Weber Heights Road is a privately-maintained, substandard road.
2. The Road Department and Fire District do not support granting the variance request.
3. The Ravalli County Board of Health provided comments to the Planning Department regarding dust generated from gravel roads. (*Exhibits A-6 & A-7*)

Conclusion of Law:

There may be an increase to public costs, in particular for providing emergency services, by granting this variance.

RECEIVED

**Montana Fish,  
Wildlife & Parks**

JAN 27 2006

JC-06-01-113 JPL  
Ravalli County Planning Dept.

Region 2 Office  
3201 Spurgin Road  
Missoula, MT 59804-3101  
406-542-5500  
Fax 406-542-5529  
January 26, 2006

Ben Howell, Planner  
Ravalli County Planning Dept.  
215 S. 4<sup>th</sup> St., Ste. F  
Hamilton, MT 59840

Dear Mr. Howell:

Reference: Skysong Farm—Proposed major (9 lots on 94.3 acres) subdivision, ~6 mile  
NE of Hamilton

We have reviewed your summary, the variance requests and the preliminary plat for this  
proposed subdivision, and we offer the following.

#### Wildlife

This subdivision is located in the foothills of the Sapphire Mountains, in the Charleys Gulch portion of the Willow Creek drainage. FWP's Calf Creek Wildlife Management Area, located one mile east of this subdivision, was purchased as winter range for elk. Wildlife such as elk, deer, coyote, fox, and skunk are found in the area of this subdivision, as well as black bear and possible mountain lion, and numerous small mammal and bird species. There is a high probability of human/wildlife conflicts at this location if residents do not pay attention to careful handling of garbage, storing of attractants, and pet control. We recommend that a "living with wildlife" section be included as covenants for this subdivision in order to help residents deal with and avoid potential wildlife issues. We have attached a copy of our recommended covenants.

#### Riparian Areas

We appreciate the "100-foot setback" from each side of the intermittent drainages (including Charleys Gulch) that are located within this subdivision and are labeled on the plat. The County summary indicates that these are "no build/alteration zones," but we did not find this on the plat. We recommend that the words "no build/alteration zone" (or "no build/alteration buffer zone") be used on the plat in order to help guide use of the drainages.

We also recommend that riparian covenants be considered for this subdivision, which would help protect these side drainages from degradation and decrease their potential to contribute to sediment or pollution sources ultimately entering Willow Creek. We have enclosed a possible version of such riparian covenants.

We thank you for providing the opportunity for MFWP to comment on this subdivision.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Thompson".

Mack Long  
Regional Supervisor

ML/sr

C: Steve Powell, Powell Surveying, Inc., 341 Grantsdale Rd., Hamilton, MT 59840

Proposed [development] covenant for Skysong Farm (Grout), recommended by Montana Fish, Wildlife & Park; Missoula; January 26, 2006

### Section \_\_: Living with Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, black bear, mountain lion, fox, skunk, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see the Education portion of FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov).

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from elk and deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because ripe or rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and other wildlife. If stored indoors, do not set garbage cans out until the morning of garbage pickup and bring them in no later than that evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- c. **Birdseed in bird feeders** attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- g. **Pet food and/or livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals such as bear, skunk or magpie do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and use of permanent outdoor grills is strongly discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer and elk becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (county commissioners).

**Section \_\_: Riparian setback zone**

There are three intermittent drainages (indicated on the plat) that flow through this subdivision, generally from southeast to northwest. On each side of these drainages is a 100-foot setback that is also labeled as a "no build/alteration zone." The following guidelines apply to the drainages and the setbacks (hereafter together referred to as the "zone"):

1. No building or alteration of the zone is allowed.
2. No motorized use. Only foot traffic is allowed in the zone.
3. Livestock should be kept out of the zone. Develop off-stream watering facilities (e.g., water troughs) to keep livestock from trampling and grazing riparian vegetation.
4. Do not cut or remove live or dead vegetation, particularly shrubs and trees, in the zone. Wood (i.e., fallen branches, downed trees) is an important part of fish habitat and contributes significantly to overall stream health. Wood regularly causes bed scour that creates pools where fish reside to feed and seek cover. Wood also stores sediment that is used for spawning. Dead trees also function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is encouraged.
5. Do not plant lawns in the zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
6. In summary, allow riparian zones to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
7. These riparian covenants cannot be altered or eliminated without consent of the governing body (county commissioners).

# EXHIBIT A-2

MAR 8 2004  
LC CA CB 361

## CORVALLIS RURAL FIRE DISTRICT IMPACT FEES

The Corvallis Rural Fire District has established the following requirements for new purposed subdivisions within its district. The requirements were established with consideration for life, safety of the residents of the district, as well as the Volunteers who are called upon to protect the district, and to mitigate harm to the public health and environment.

When establishing the requirements, emphasis was given to the Uniform Fire Code, Articles 9 and 10, and Appendix III-A, the Ravalli County Subdivision Regulations, the Ravalli County Road Department standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire protection systems, and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the UFC (Uniform Fire Code) and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with their definitions in the above mentioned publications.

Development Name: A.P. Lot 1, Blk 9, Sunnyside Orchards #3 (3rd Submittal)  
Number of Lots: 3  
Developer(s) Name: ?

The Fire Department requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the Uniform Fire Code (UFC) Section 902, which reads in part:

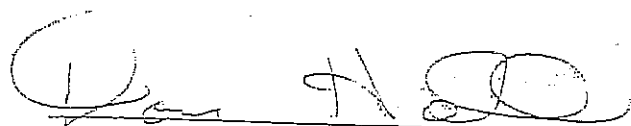
902.2.1 Required Access: Fire apparatus shall be provided in accordance with Sections 901 and 902.2 for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45,720 mm) from fire apparatus access, as measured by an approved route around the exterior of the building or facility...

The Corvallis Rural Fire District currently has an ISO Class 5 Residential rating which requires a water flow of 200 gallons per minute for a duration of 20 minutes, or a total flow of 4000 gallons per residence.

Considering the above information, the Fire District will accept a water supply of 1000 gallons per minute or 2500 gallons per lot of stored water. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision.

The Fire District realizes the financial burden of installing and maintaining a water supply and/or storage tanks capable of providing the required water flows, and is willing to accept a payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the UFC. The payment per lot must be paid upon approval of the Subdivision. The Fire District will then, upon its elective, purchase fire fighting apparatus or develop water supplies.

**EXCEPTIONS:** When buildings are completely protected with an automatic sprinkler system approved by the Chief, the above listed water supply may be reduced by 50%. The Subdivision Covenants must state that "All residences constructed within the Subdivision be completely protected with an approved automatic sprinkler system." The Fire District will provide a \$250.00 reimbursement to those residences with an approved automatic sprinkler system.



Chairperson

Date



# EXHIBIT A-3

RECEIVED

JAN 18 2006

Ravalli County Planning Dept.

1C-06-01-88

Ravalli County Park Board  
366 Blodgett Camp Rd  
Hamilton MT 59840  
January 17, 2006

Mr. Benjamin H. Howell, Planner I  
Ravalli County Planning Department  
215 South 4<sup>th</sup> Street; Suite F  
Hamilton MT 59840

Dear Mr. Howell:

Thank you for the opportunity to comment on the proposed Skysong Farm subdivision. The proponents of the subdivision propose a 17.11 acre Homeowner's Park at the southeast corner of the subdivision. The park land dedication far exceeds the requirement of law. The rather gentle terrain appears suitable for a park. However, since there are only 9 lots, and presumably only 9 landowners, I doubt the ability of the future landowners to maintain the park. The general area of the subdivision is foothill grassland with some sagebrush, perfect habitat for invasion by noxious weeds, especially knapweed.

There is no parkland dedication requirement for this subdivision, since all the lots (except one 4.81 acre lot) are larger than 5 acres. The recommendation of the Park Board is to forego the proposed park in recognition of probable future management issues associated with the landowner association's ability to care for the land.

Sincerely,



John H. Ormiston  
Chairman, Ravalli County Park Board

# EXHIBIT A-4

DEC 08 2005

Ravalli County Planning Dept.

1C-05-12-2191



Environmental Health  
215 South 4<sup>th</sup> - Suite D  
Hamilton, MT 59840  
(406)375-6268 FAX (406)375-2048

## MEMORANDUM

**TO:** Ravalli County Planning Department

**FROM:** Morgan T. Farrell, R.S., Environmental Health

**DATE:** 12-8-05

**RE:** SKY SONG FARM

The Ravalli County Environmental Health Department has received the above-referenced proposal for review. Based on the information provided, the application appears to be sufficient for subdivision review. The Sanitation in Subdivision review will be completed in accordance with the contract with the Department of Environmental Quality. Additional questions or comments may be required based upon the continued review of this file and the content of future submittals.

# EXHIBIT A-5

RECEIVED

Ben Howell

DEC 29 2005

1C-05-12-2270  
Ravalli County Planning Dept.

**From:** David Ohnstad

**Sent:** Tuesday, December 27, 2005 8:11 AM

**To:** Ben Howell

**Subject:** skysong subdivision

Ben -

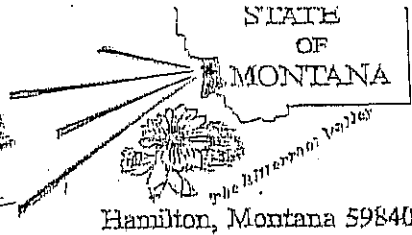
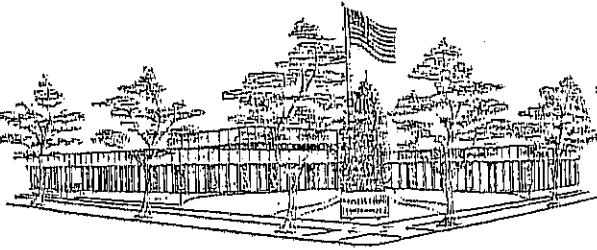
With regard to the Request for Agency Comment on the Skysong Subdivision, Variance Request #1; the Road & Bridge Department **does not support** approval of the variance from the paving requirements of the Subdivision Regulations. The application does not state the reason for requesting this variance and we find no reason to approve it. The cost of compliance with the Subdivision Regulations is not a legitimate reason for failure to comply. The construction or improvement of the proposed access roadway should be consistent with the adopted Ravalli County roadway design standards.

David

**DAVID H. OHNSTAD**  
**COUNTY ROAD SUPERVISOR**  
**RAVALLI COUNTY, MONTANA**

# EXHIBIT A-6

COUNTY  
OF  
RAVALLI



2004-06-23

Ravalli Co. Planning Office

RAVALLI COUNTY BOARD OF HEALTH  
215 S. 4<sup>th</sup> Street, Suite A  
Hamilton, MT. 59840

RECEIVED  
JUN 23 2004

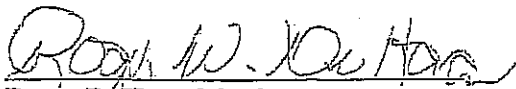
June 23, 2004

Road Standards Committee  
C/O Ravalli County Planning Department


RE: Board of Health's Concerns for Road Standards

The Board of Health met in regular session on this date of June 23, 2004. In a discussion of air quality and roads, the Board of Health unanimously agreed that air quality and road safety are of paramount concern in the development of any road standards.

For the Board of Health:

  
Roger DeHaan, Member

  
Carlotta Grandstaff, Member

  
Commissioner Greg Chilcott, Chairman

## EXHIBIT A-7

Memo to: Ravalli County Commissioners  
From: Ravalli County Health Board  
Re: Proposed new County road regulations  
Date: April 4, 2005

Various research studies show a strong link between air borne dust particulates and human health problems, including emphysema, asthma and others. For further details, please see the article (and 72 referenced articles) from the American Academy of Pediatrics, 2004, "Ambient Air Pollution: Health Hazards to Children."

In Ravalli County, even though there is limited air monitoring we are able to do, it is clear that sometimes we have excessive particulate matter (mainly road dust) in our air. Additionally, citizens often complain to County and State agencies about specific road dust problems in certain areas.

Because of this, the Health Board strongly urges the Commissioners to include mandatory dust control measures in any road regulations for the County.

All new roads, including those in subdivisions, should be paved, or treated with dust suppressant such as magnesium chloride, at the time of construction. If the magnesium chloride option is chosen, which requires reapplication every other year, owners must provide sufficient bonding or financial guarantee to insure that the work will be done for an extended period such as 20 or 30 years.

For existing roads owned by the County, we recommend that the very first budget priority be to apply dust palliative on all roads. This means that ALL County roads should have a graded magnesium chloride surface before any road is given additional budget allocation for widening, paving etc.

We believe that these measures, if implemented, will significantly help the health condition of all citizens of Ravalli County.

Thank you for considering and including these provisions in the new road regulations.

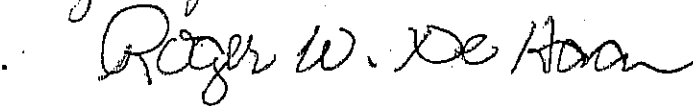

Respectfully submitted by the Ravalli County Health Board:

Mr. Greg Chilcott, Ravalli County Commissioner

Dr. John Swanson, M.D.

Dr. Ellyn Jones, M.D.

Mr. Roger W. De Haan, P.E.



**Corvallis School District #1**

P. O. Box 700 / 1045 Main  
Corvallis MT 59828

Phone: (406) 961-4211 Fax: (406) 961-5144

**EXHIBIT A-8**

~~DEC~~ 17 2006  
JAN  
Ravalli County Planning Dept.  
12-06-01-73

**Daniel B. Sybrant**  
Superintendent  
961-4211

**Sarah Schumacher**  
Principal,  
High School  
961-3201

**Trevor Laboski**  
Asst. Principal  
High School  
961-3201

**Tom A. Miller**  
Principal,  
Middle School  
961-3007

**Janice Stranahan**  
Principal,  
Primary School  
961-3261

**Virginia Haines**  
Special Services Dir.  
961-3201

**Russ Hendrickson**  
Technology Coor.  
961-3201

**Vannesa Bargfrede**  
District Clerk  
961-4211

January 12, 2006

Ravalli County Planning Dept.  
215 South 4<sup>th</sup> Street, Suite F  
Hamilton MT 59840

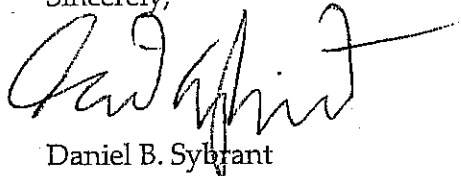
Dear Planning Board,

I have reviewed your letter regarding the Skysong Farm (Grout) Major Subdivision and Three Variance Requests.

We have no specific objection to this subdivision. As we have stated before, growth in student numbers continues to affect our district infrastructure and bussing system.

In general, we ask that appropriate student safety measures be considered when approving this request.

Sincerely,



Daniel B. Sybrant

dbb/lh